T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:			02-Nov-07	APPL. S. N:	09975995					
To Exam	niner:		BRINEY III, WALTER	Art Unit	2615					
From			Logan, Rugenia PARALEGAL SPCECIALIS	Return This Memo To: (T Drop-Off Location	JEF-2D68					
SUBJEC	T: Decisio	on on Terminal	Disclaimer(T.D.) filed:							
form pa or have	ragraphs i any quest	identified by th tions, please se	iis informal memo in your se me or the Special Proq	the results as set forth below. It next Office action to notify applicam Examiner. THIS IS AN INFOED OF RECORD IN THE APPLICA	icant of the T.D. If you disagr RMAL, INTERNAL MEMO ONL	ree Y.				
please i	nitial, date	e and return th	is memo to me. THANK Y	OU.						
<u> </u>	The T.D.	is PROPER an	d has been recorded (see	14.23).						
	The T.D.	e T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):								
		The TD fee of use of a depo		ubmitted nor is there any author	ization in the application file f	or the				
The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the exhis/her interest (and/or the extent of the interest of the business entity represented by the signature in the application/patent (see 14.26 & 14.26.01).										
			cks the enforceable only during common ownership clause – needed to overcome a non-statutory enting rejection, Rule 321(b) (see 14.27.01).							
		The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).								
		The person w	ho signed the T.D.:							
		is no	ot an attorney "of record"	(see 14.29 and 14.29.01).						
		has	failed to state his/her cap	pacity to sign for the business er	tity (see 14.28).					
		is no	ot recognized as an office	r of the assignee (see 14.29 & p	ossible 14.29.02).					
		No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).								
	<u></u>	The T.D. is no	ot signed (see 14.26 & 14	.26.03).						
		The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).								
The serial number of this application disclaimed is missing or incorrect ((or the number of the patent in reexam or reissue cases being e 14.26, 14.27.02 or 14.26.05).						
		The period disclaimed is incorrect or not specified (see 14.26, 14.27.02 or 14.26.03).								
		Other:				a V				
		Suggestion to and do not ch	request refund (see 14.3 seck this item.	36). NOTE: If already authorized	, credit refund to deposit acco	unt				
I have a	ppropriate	ely notified app	olicant(s) of the status of	the Terminal Disclaimer filed in t	this case.					
Ex.Initia	ls:	Date	e:		Log Date:					

Application Number	Application/Co	R	pplicant(s)/Patent (Reexamination RADY ET AL.	under				
Document Code - DISQ		Internal Do	cument – DC	NOT MAIL				
TERMINAL DISCLAIMER	☑ APPROVE	ED	☐ DISAPPROVED					
Date Filed : October 24, 2007	to a Te	t is subject erminal aimer						
Approved/Disapproved by:								
Henry D. Jefferson								

U.S. Patent and Trademark Office

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION **OVER A PRIOR PATENT**

Docket Number (Optional) 1017750-000732

In re Pa	tent Applic	alips of:
Applicat	jor No.:	. און
Filed:	0C1 8	4 (4)
For:	_	THE STATE OF THE S
-	TATENT &	TRADER

Vernon T. Brady et al.

09/975.995

October 15, 2001

METHOD AND APPARATUS FOR HIGH FREQUENCY WIRELESS COMMUNICATION

The owner*, Lockheed Martin Corporation, of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 and 173 as presently shortened by any terminal disclaimer, of prior Patent No. 6,442,374 B1. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: Expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

☐ The undersigned is an attorney or agent of record.

Signature

October 24, 2007

Date

Patrick C. Keane, Reg. No. 32,858

Typed or printed name

703 836 6620 Telephone Number

Terminal disclaimer fee under 37 C.F.R. § 1.20(d) is included.

*Statement under 37 C.F.R. § 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

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